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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,042	11/17/2003	Chih-Chieh Wu	9585-0447	1136
73552 7590 08/21/2008 Stolowitz Ford Cowger LLP 621 SW Morrison St Suite 600 Portland, OR 97205				
EXAMINER				
GRANT II, JEROME				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
08/21/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/713,042

**Applicant(s)**

WU, CHIH-CHIEH

**Examiner**

Jerome Grant II

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8, 12, 14, 15, 17, 19, 20 and 23 is/are rejected.
- 7) ☒ Claim(s) 13, 16, 18, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### Detailed Action

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8, 12, 15, 17 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Aoki.

With respect to claim 8 Aoki teaches a scanner (shown by figure 1) comprising: a housing 12 having an optical sensor 18 disposed therein; a first mirror 14 for moving in variable positions in the housing; a second mirror (15 or 16) configured to reflect light from the first mirror and a variable path existing between the first and the second mirror; a lens 17 configured to receive light from the second mirror 15 or 16 where the second path, between the second mirror and the lens is a fixed Distance.

With respect to claim 12, Aoki teaches wherein a chassis (A- shown by figure 1) moves in a forward and backwards direction in the housing wherein the first mirror 14 is mounted to the chassis A.

With respect to claim 15, Figure 1 shows where the first optical path, between mirror 14 and mirrors 15 or 16 are variable as mirror 14 is moved and between mirrors 15/16 and lens 17 is fixed.

With respect to claim 17, Aoki teaches an apparatus, according to figure 1, comprising: a first reflective means (mirror 14); means 17 for focusing light; second reflective means (mirror 15 or 16) for reflecting light to a focusing means 17; means for focusing requiring a fixed distance (between reflectors 15/16 and the lens 17); means (via a motor not shown) for moving the chassis A, which contains the first reflective means, along a variable distance path toward the second reflective means (in a leftward direction) and a second direction towards the lens (rightward direction).

With respect to claim 23, Aoki teaches the first reflective means 14 is moved within the scanner housing 12 and that the second reflective means 15 and 16 as well as the focus member 17 are provided within housing 12.

2.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki.

With respect to claim 14, Aoki teaches all of the subject matter upon which the claim depends except for adjustment of the second mirror.

Aoki does however, teach the adjustment of the first mirror by screw 27, see paragraph 32.

The examiner submits that it would have been obvious to modify the mirror 15 or 16 to adjust their positions by a screw or any other adjustment means as suggested by the adjustment of mirror 14. Either the same type of mirror assembly of mirror 14 could be substituted for mirrors 15 and 16 to make all mirrors adjustable. Or one would have recognized to selectively make the second mirror adjustable by suggestion of the teaching as provided by the first mirror 14 which is adjustable.

With respect to claim 19, Aoki teaches a screw 27 for adjusting an angle of reflection of the first mirror as opposed to the second reflector as claimed.

However, it would have been obvious to one of ordinary skill in the art to use a mirror assembly in the second reflector set, as clearly suggested by its use in the first reflector set, for the purpose of adjusting the optical path between the first and second reflectors or proper alignment of light as it travels the first and second optical paths within the variable and fixed optical paths positions.

With respect to claim 20, it is inherent that the reflectors 15 or 16 will transmit the light to the lens 17 for focusing, regardless of the plurality of positions that may be selected by the adjustment of screw 17 for the first adjustment reflector 14.

3. Claims Objected to As Containing Allowable Matter

Claims 13, 16, 18, 21 and 22 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4.

Claims with Allowable Subject Matter

Claims 1-7 are allowed by amendment and the persuasiveness of the arguments presented May 5, 2008.

5.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles, can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jerome Grant II/

Primary Examiner, Art Unit 2625



Application/Control Number: 10/713,042  
Art Unit: 2625

Page 8